|  |
| --- |
| File a Petition to Appoint a Guardian for a Minor |

Congratulations {{ users }}! You have finished all the forms you need to file a Petition for the Appointment of a Guardian of a Minor MPC 140. The rest of the pages in this packet are the documents you will file with the court.

## Next steps

1. Keep a copy for yourself.
2. File this petition with the court now.
3. Deliver a copy to {{ other\_parties }}.
4. **Complete and file the Return of Service**
5. Appear at the hearing on your petition.

## To file your petition right away

1. Call the {{ trial\_court }} at {{ showifdef('trial\_court.phone\_number') }} to find out how they want you to send your forms to them, such as mailing or bringing the documents to the courthouse.
2. {%p if defined('trial\_court.address.address') %} The address of your court, if you need it, is:   
   {{ trial\_court.address.on\_one\_line() }}.
3. {%p endif %}

## If you are filing a Motion to Appoint a Temporary Guardian of a Minor

Bring your motion with the rest of this packet and file with the court. A judge will review your motion to decide if there is an emergency. A judge then decides it is an emergency for the child to stay with their parent. You may have to go in front of the judge to explain the emergency.

If the judge believes it is an emergency, the judge can order a Temporary Guardianship without the parent(s) present. The order can be for up to 90 days, and will include a next court date to review the temporary guardianship.

If the judge does not believe it is an emergency, they will schedule a hearing to give the parent(s) an opportunity to explain why they do not think a temporary guardian is needed.

## Delivering a copy of your Petition

Once you've filed the forms, the court will send or give you a Notice and Order. This paper tells you when your next court hearing will be and the people who need to be given a copy of your petition. You need to give a copy of this Notice to {{ other\_parties }}.

This notice will tell you how to give them a copy, like in person, by mail, or by publishing the notice in a newspaper. It will also give you a deadline for when you need to give them a copy by.

The Notice will have a page called “Return of Service.” You complete this page after you give copies to everyone and explain how you gave each person a copy. This Return of Service needs to be filed with the Court.

## What happens at the next hearing?

The judge will hear from you, the parents, and the child if they are over 14. If everyone agrees, the judge can issue a permanent guardianship, meaning that you will be the guardian for the child until they turn 18 or until a judge orders otherwise.

If someone doesn’t agree to the guardianship, the judge will ask them to explain why. For example, a parent may explain why it is safe for them to care for their child so they do not need a guardian.

If the judge wants more information, they may schedule another hearing to give everyone time to get more information so they can make their decision. For example, if a parent or child is appointed an attorney, a judge will give them time to speak with their attorneys. The judge may also ask DCF to appear and provide more information.

## Learn more

Learn more about child guardianship at [**https://www.masslegalhelp.org/children-families-divorce/guardians-other-caregivers/guardianship-minor-overview**](https://www.masslegalhelp.org/children-families-divorce/guardians-other-caregivers/guardianship-minor-overview) or follow the QR Code below.

A qr code with a black and white background

Description automatically generated